conspiring to interfere with the constitutional rights of Martin Luther King, Jr. Galt has been identified as being James Earl Ray.

Under the statute used, the complaint can be filed in any district in which the conspiracy took place or an overt act occurred. Since the shooting occurred in Memphis and the gun had been purchased in Birmingham, consideration was given to filing the complaint at Memphis or Birmingham. It was our understanding that we could not rely on the U. S. Attorney at Memphis and if we attempted to file the complaint there, we would immediately lose control of the situation. Therefore, the complaint was filed at Birmingham where, on the basis of facts then available, the first overt act in furtherance of the conspiracy was committed. Based on the complaint, the U. S. Commissioner then issued the warrant of arrest.

ACTION:

In light of the above it is recommended that Congressman Selden be advised along similar lines to the acknowledgment made by Mr. Lindenbaum. Congressman Selden is being advised that since the complaint alleged a conspiracy which, on the basis of facts available, began in Birmingham the warrant was obtained in that city. Attached for approval is a letter to Congressman Selden. A copy of our acknowledgment to Congressman Selden is being furnished to the Attorney General, Deputy Attorney General and Assistant Attorney General Stephen J. Pollak, Civil Rights Division.

44-38861-2579